

HOUSE BILL No. 1934

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-3-1; IC 35-38-3-4.

Synopsis: State costs for housing felons in county jails. Requires full funding of contracts for housing felons committed to the department of correction in a county jail. Codifies standards related to the transport of felons to the department of correction, which were enacted in a noncode provision of P.L.260-1997 (the 1997 budget bill).

Effective: Upon passage; July 1, 1999.

Pelath

January 26, 1999, read first time and referred to Committee on Ways and Means.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1934

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-3-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The department may contract
3 with any city, county, state, or federal authority, or with other public or
4 private organizations, for:
5 (1) the custody, care, confinement, or treatment of committed
6 persons; or
7 (2) the provision of other correctional or related services to
8 committed persons.
9 (b) Before transferring a committed person to the custody, care, or
10 control of an agency or organization under such a contract, the
11 department must approve the receiving facility or program as suitable
12 for the supervision and care of the person.
13 (c) The department may contract with individuals for the provision
14 of services to the department.
15 (d) To fund contracts under this section the department may use:
16 (1) its regular budgeted monies; and
17 (2) if applicable, monies deducted from the person's earnings



under IC 11-10-7-5 or IC 11-10-8-6.

(e) This section applies to the reimbursement of sheriffs for the cost of incarcerating in county jails committed persons convicted of felonies to the extent that the committed persons are incarcerated for more than five (5) days after the date of sentencing. The county auditor for a county shall annually compute the average daily cost to the county in the preceding calendar year for the custody, care, and confinement of all persons incarcerated in the county jail using the methodology established by the state board of accounts. Not later than March 1 of each year, the county auditor shall certify the average daily cost computed under this subsection to the department. The certification must be in the form prescribed by the state board of accounts. The department shall use the average daily cost certified to the department as full reimbursement to the county for the daily care, custody, and confinement in the county jail of committed persons convicted of felonies and incarcerated in the county jail for more than five (5) days after the date of sentencing. In addition to the per diem, the state shall reimburse the sheriffs for any expenses incurred in providing medical care to the convicted persons. However, if the sheriff or county receives money with respect to a convicted person (from a source other than the county), the per diem or medical expense reimbursement with respect to the convicted person shall be reduced by the amount received.

(f) The department shall reimburse a county under subsection (e) on a quarterly basis before April 30, July 31, October 31, and January 31 of each year. The amount certified under subsection (e) shall be used for quarterly payments for periods beginning on January 1 of the year in which the cost is certified and ending before April 1 of the immediately following year. If the county fails to certify an average daily cost in any year, the department shall reimburse the county at the lesser of:

- (1) thirty-five dollars (\$35) per day; or
- (2) the latest average daily cost certified to the department by the county;

for quarterly periods ending before the county complies with subsection (e).

SECTION 2. IC 35-38-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The sheriff shall:

- (1) transport the convicted person to a receiving authority;
- (2) deliver the person to the receiving authority;
- (3) deliver a copy of the judgment of conviction and sentence; and



(4) take from the receiving authority a receipt for the convicted person.

(b) The sheriff shall transport the convicted person within five (5) days after the day of sentencing, unless the court orders the sheriff to transport the person within some other specified period.

(c) A sheriff may not be required to comply with subsection (a) or transport convicted persons within five (5) days after the date of sentencing if the department of correction does not have the capacity to receive the convicted persons.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) IC 11-8-3-1, as amended by this act, applies to periods beginning after June 30, 1999, to the reimbursement of sheriffs for the care, custody, confinement, and treatment of committed persons convicted of a felony and incarcerated in a county jail for more than five (5) days after the date of sentencing.

(b) The state board of accounts, not later than June 1, 1999, shall distribute to each county auditor the methodology and forms needed by the county auditor under IC 11-8-3-1, as amended by this act, to make the initial computation of average daily cost to the county for the custody, care, and confinement of persons detained in the county jail. The county auditor shall make the initial computation using costs for calendar year 1998. The county auditor shall certify the initial computation of the average daily cost to the department of correction before August 1, 1999.

(c) The department shall use the average daily cost certified under subsection (b) for quarterly payments made after October 1, 1999, and before April 1, 2000, to reimburse the county for the care, custody, and confinement of committed persons in the county jail during periods beginning after June 30, 1999, and ending before January 1, 2000.

(d) Payments after June 30, 1999, for incarceration periods ending before July 1, 1999, shall be made in accordance with the formula established for the state budget agency county jail maintenance contingency fund in P.L.260-1997.

(e) This SECTION expires July 1, 2000.

SECTION 4. An emergency is declared for this act.

